

AMENDED IN ASSEMBLY JULY 13, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 753

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 313 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as amended, Padilla. Pupils: English learners: assessment.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils in order to determine the level of proficiency of those pupils. The assessment primarily consists of the administration of the California English Language Development Test (CELDT) that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking. Existing law requires that the assessment be conducted upon initial enrollment, and annually thereafter during a period of time determined by the Superintendent of Public Instruction and the State Board of Education, until the pupil is redesignated as English proficient.

This bill, commencing with the 2013–14 school year, would require ~~the annual assessment to be conducted~~ *a school district and county office of education to annually conduct the assessment* during a 3-month test period commencing with the day upon which 65% of the instructional year is completed, and would ~~provide which require the assessment is to be used for purposes of an~~ *conducted upon the initial*

enrollment of a pupil in order to provide information to be used to determine if the pupil is an English learner. The bill would apply these provisions, to the extent required by federal law, to a county office of education and a charter school.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313 of the Education Code is amended
2 to read:

3 313. (a) Each school district that has one or more pupils who
4 are English learners *and, to the extent required by federal law,*
5 *each county office of education and each charter school* shall
6 assess the English language development of each pupil in order to
7 determine the level of proficiency for the purposes of this chapter.

8 (b) The department, with the approval of the state board, shall
9 establish procedures for conducting the assessment required
10 pursuant to subdivision (a) and for the reclassification of a pupil
11 from English learner to English proficient.

12 (c) Commencing with the 2000–01 school year to the 2012–13
13 school year, inclusive, the assessment shall be conducted upon
14 initial enrollment, and annually, thereafter, during a period of time
15 determined by the Superintendent and the state board. The annual
16 assessments shall continue until the pupil is redesignated as English
17 proficient. The assessment shall primarily utilize the English
18 language development test identified or developed by the
19 Superintendent pursuant to Chapter 7 (commencing with Section
20 60810) of Part 33 of Division 4 of Title 2.

21 (d) (1) Commencing with the 2013–14 school year, the ~~annual~~
22 assessment shall be conducted *annually* during a three-month test
23 period commencing with the day upon which 65 percent of the
24 instructional year is completed. Annual assessments shall continue
25 until the pupil is redesignated as English proficient. The annual

1 assessment shall primarily utilize the English language
2 development test identified or developed by the Superintendent
3 pursuant to Chapter 7 (commencing with Section 60810) of Part
4 33 of Division 4 of Title 2.

5 ~~(2) The school district shall conduct an assessment of a pupil~~
6 ~~at the pupil's initial enrollment to determine if the pupil is an~~
7 ~~English learner and shall use, for this purpose, the prior year's~~
8 ~~annual assessment for the grade in which the pupil is enrolling.~~

9 *(2) Commencing with the 2013–14 school year, the assessment*
10 *shall be conducted upon the initial enrollment of a pupil in order*
11 *to provide information to be used to determine if the pupil is an*
12 *English learner.*

13 *(A) If the initial enrollment of a pupil occurs on a date outside*
14 *of the testing period identified pursuant to paragraph (1), the prior*
15 *year's annual assessment for the grade in which the pupil is*
16 *enrolling shall be used for this purpose.*

17 *(B) If the initial enrollment of a pupil occurs on a date within*
18 *the testing period identified pursuant to paragraph (1), the initial*
19 *assessment of the pupil shall be conducted as part of the annual*
20 *assessment conducted pursuant to paragraph (1).*

21 *(e) The assessments conducted pursuant to subdivision (d) shall*
22 *be conducted in a manner consistent with federal statutes and*
23 *regulations.*

24 ~~(e)~~

25 *(f) The reclassification procedures developed by the department*
26 *shall utilize multiple criteria in determining whether to reclassify*
27 *a pupil as proficient in English, including, but not limited to, all*
28 *of the following:*

29 *(1) Assessment of language proficiency using an objective*
30 *assessment instrument, including, but not limited to, the English*
31 *language development test that is developed or acquired pursuant*
32 *to Section 60810.*

33 *(2) Teacher evaluation, including, but not limited to, a review*
34 *of the pupil's curriculum mastery.*

35 *(3) Parental opinion and consultation.*

36 *(4) Comparison of the performance of the pupil in basic skills*
37 *against an empirically established range of performance in basic*
38 *skills based upon the performance of English proficient pupils of*
39 *the same age, that demonstrates whether the pupil is sufficiently*
40 *proficient in English to participate effectively in a curriculum*

1 designed for pupils of the same age whose native language is
2 English.

3 ~~(f)~~

4 (g) This section does not preclude a school district or county
5 office of education from testing English learners more than once
6 in a school year if the school district or county office of education
7 chooses to do so.

8 *SEC. 2. No reimbursement is required by this act pursuant to*
9 *Section 6 of Article XIII B of the California Constitution because*
10 *this act implements a federal law or regulation and results only*
11 *in costs mandated by the federal government, within the meaning*
12 *of Section 17556 of the Government Code.*